

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE: 1:11cv018-RJC

VINSON S. HILL,

Plaintiff,

v.

**DUANE TERRELL, MARCELLA
FAIRCLOTH, HUBERT COPENING,
WESLEY CORN, DEP'T OF CORR. ,**

Defendants.

ORDER

THIS MATTER comes before the Court upon Defendants' Motion for Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Doc. No. 17). In accordance with Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975), the Court advises Plaintiff, who is proceeding *pro se*, of his obligation to respond to Defendants' Motion.

A motion for judgment on the pleadings is decided using the same standard as a motion to dismiss for failure to state a claim upon which relief may be granted pursuant to Rule 12(b)(6). Walker v. Kelly, 589 F.3d 127, 139 (4th Cir. 2009). In responding to a motion for judgment on the pleadings, Plaintiff must show that he has made sufficient allegations to support a cause of action which is recognized by law. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (Plaintiff's "[f]actual allegations must be enough to raise a right to relief above the speculative level."). In considering Plaintiff's Complaint, the court "need not accept [his] legal conclusions drawn from the facts," nor need it "accept as true unwarranted inferences, unreasonable conclusions, or arguments." Philips v. Pitt County Mem'l Hospital, 572 F.3d 176,

179-80 (4th Cir. 2009) (quoting Kloth v. Microsoft Corp., 444 F.3d 312, 319 (4th Cir. 2006)).

Plaintiff is advised that the Court may take judicial notice of matters of public record, and may consider documents attached to the Complaint as well as those attached to the Motion for Judgment on the Pleadings, so long as those documents "are integral to the complaint and authentic." Philips, 572 F.3d at 180 (citing Blankenship v. Manchin, 471 F.3d 523, 526 n. 1 (4th Cir. 2006)). Plaintiff is further advised, however, that if he chooses to file documents, affidavits, or declarations in opposition to Defendants' Motion, such action may result in the conversion of the Motion for Judgment on the Pleadings to a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 12(d).

IT IS, THEREFORE, ORDERED that Plaintiff has thirty (30) days from the entry of this Order to file his response to the Motion for Judgment on the Pleadings. Plaintiff's failure to respond may result in judgment on the pleadings for Defendants and dismissal of the Complaint with prejudice.

The Clerk is directed to send copies of this Order and Notice to the parties, including Vinson S. Hill, # 0879281, Scotland Correctional Inst. #4860, PO Box 1808, Laurinburg, NC 28353.

Signed: June 21, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

